

1-1 By: Guillen, Morales of Maverick H.B. No. 1207
 1-2 (Senate Sponsor - Flores)
 1-3 (In the Senate - Received from the House April 26, 2023;
 1-4 April 26, 2023, read first time and referred to Committee on
 1-5 Criminal Justice; May 3, 2023, reported favorably by the following
 1-6 vote: Yeas 5, Nays 0; May 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the statute of limitations for tampering with certain
 1-19 physical evidence.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 12.01, Code of Criminal Procedure, is
 1-22 amended to read as follows:

1-23 Art. 12.01. FELONIES. Except as provided in Article 12.03,
 1-24 felony indictments may be presented within these limits, and not
 1-25 afterward:

1-26 (1) no limitation:

1-27 (A) murder and manslaughter;

1-28 (B) sexual assault under Section 22.011(a)(2),
 1-29 Penal Code, or aggravated sexual assault under Section
 1-30 22.021(a)(1)(B), Penal Code;

1-31 (C) sexual assault, if:

1-32 (i) during the investigation of the offense
 1-33 biological matter is collected and the matter:

1-34 (a) has not yet been subjected to
 1-35 forensic DNA testing; or

1-36 (b) has been subjected to forensic DNA
 1-37 testing and the testing results show that the matter does not match
 1-38 the victim or any other person whose identity is readily
 1-39 ascertained; or

1-40 (ii) probable cause exists to believe that
 1-41 the defendant has committed the same or a similar sex offense
 1-42 against five or more victims;

1-43 (D) continuous sexual abuse of young child or
 1-44 disabled individual under Section 21.02, Penal Code;

1-45 (E) indecency with a child under Section 21.11,
 1-46 Penal Code;

1-47 (F) an offense involving leaving the scene of an
 1-48 accident under Section 550.021, Transportation Code, if the
 1-49 accident resulted in the death of a person;

1-50 (G) trafficking of persons under Section
 1-51 20A.02(a)(7) or (8), Penal Code;

1-52 (H) continuous trafficking of persons under
 1-53 Section 20A.03, Penal Code; ~~or~~

1-54 (I) compelling prostitution under Section
 1-55 43.05(a)(2), Penal Code; or

1-56 (J) tampering with physical evidence under
 1-57 Section 37.09(a)(1) or (d)(1), Penal Code, if:

1-58 (i) the evidence tampered with is a human
 1-59 corpse, as defined by that section; or

1-60 (ii) the investigation of the offense shows
 1-61 that a reasonable person in the position of the defendant at the

2-1 time of the commission of the offense would have cause to believe
 2-2 that the evidence tampered with is related to a criminal homicide
 2-3 under Chapter 19, Penal Code;
 2-4 (2) ten years from the date of the commission of the
 2-5 offense:
 2-6 (A) theft of any estate, real, personal or mixed,
 2-7 by an executor, administrator, guardian or trustee, with intent to
 2-8 defraud any creditor, heir, legatee, ward, distributee,
 2-9 beneficiary or settlor of a trust interested in such estate;
 2-10 (B) theft by a public servant of government
 2-11 property over which the public servant exercises control in the
 2-12 public servant's official capacity;
 2-13 (C) forgery or the uttering, using, or passing of
 2-14 forged instruments;
 2-15 (D) injury to an elderly or disabled individual
 2-16 punishable as a felony of the first degree under Section 22.04,
 2-17 Penal Code;
 2-18 (E) sexual assault, except as provided by
 2-19 Subdivision (1) or (7);
 2-20 (F) arson;
 2-21 (G) trafficking of persons under Section
 2-22 20A.02(a)(1), (2), (3), or (4), Penal Code; or
 2-23 (H) compelling prostitution under Section
 2-24 43.05(a)(1), Penal Code;
 2-25 (3) seven years from the date of the commission of the
 2-26 offense:
 2-27 (A) misapplication of fiduciary property or
 2-28 property of a financial institution;
 2-29 (B) fraudulent securing of document execution;
 2-30 (C) a felony violation under Chapter 162, Tax
 2-31 Code;
 2-32 (D) false statement to obtain property or credit
 2-33 under Section 32.32, Penal Code;
 2-34 (E) money laundering;
 2-35 (F) credit card or debit card abuse under Section
 2-36 32.31, Penal Code;
 2-37 (G) fraudulent use or possession of identifying
 2-38 information under Section 32.51, Penal Code;
 2-39 (H) exploitation of a child, elderly individual,
 2-40 or disabled individual under Section 32.53, Penal Code;
 2-41 (I) health care fraud under Section 35A.02, Penal
 2-42 Code; or
 2-43 (J) bigamy under Section 25.01, Penal Code,
 2-44 except as provided by Subdivision (6);
 2-45 (4) five years from the date of the commission of the
 2-46 offense:
 2-47 (A) theft or robbery;
 2-48 (B) except as provided by Subdivision (5),
 2-49 kidnapping or burglary;
 2-50 (C) injury to an elderly or disabled individual
 2-51 that is not punishable as a felony of the first degree under Section
 2-52 22.04, Penal Code;
 2-53 (D) abandoning or endangering a child; or
 2-54 (E) insurance fraud;
 2-55 (5) if the investigation of the offense shows that the
 2-56 victim is younger than 17 years of age at the time the offense is
 2-57 committed, 20 years from the 18th birthday of the victim of one of
 2-58 the following offenses:
 2-59 (A) sexual performance by a child under Section
 2-60 43.25, Penal Code;
 2-61 (B) aggravated kidnapping under Section
 2-62 20.04(a)(4), Penal Code, if the defendant committed the offense
 2-63 with the intent to violate or abuse the victim sexually; or
 2-64 (C) burglary under Section 30.02, Penal Code, if
 2-65 the offense is punishable under Subsection (d) of that section and
 2-66 the defendant committed the offense with the intent to commit an
 2-67 offense described by Subdivision (1)(B) or (D) of this article or
 2-68 Paragraph (B) of this subdivision;
 2-69 (6) ten years from the 18th birthday of the victim of

3-1 the offense:
3-2 (A) trafficking of persons under Section
3-3 20A.02(a)(5) or (6), Penal Code;
3-4 (B) injury to a child under Section 22.04, Penal
3-5 Code; or
3-6 (C) bigamy under Section 25.01, Penal Code, if
3-7 the investigation of the offense shows that the person, other than
3-8 the legal spouse of the defendant, whom the defendant marries or
3-9 purports to marry or with whom the defendant lives under the
3-10 appearance of being married is younger than 18 years of age at the
3-11 time the offense is committed;
3-12 (7) two years from the date the offense was
3-13 discovered: sexual assault punishable as a state jail felony under
3-14 Section 22.011(f)(2), Penal Code; or
3-15 (8) three years from the date of the commission of the
3-16 offense: all other felonies.
3-17 SECTION 2. Article 12.01, Code of Criminal Procedure, as
3-18 amended by this Act, does not apply to an offense if the prosecution
3-19 of that offense becomes barred by limitation before the effective
3-20 date of this Act. The prosecution of that offense remains barred as
3-21 if this Act had not taken effect.
3-22 SECTION 3. This Act takes effect September 1, 2023.

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